

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

ROLANDO FIGUEROA SANTIAGO

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL NO. 21-1227 (GLS)

**ORDER**

Plaintiff filed a Complaint seeking review of a final decision of the Commissioner of the Social Security Administration (“Commissioner”) which denied his application for disability insurance benefits. Docket No. 3. The Commissioner answered the Complaint and then filed a consent motion to remand Plaintiff’s case to the Social Security Administration for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Docket Nos. 13 and 14. On November 24, 2021, the Court entered an Order granting the Commissioner’s request and entered Judgment remanding Plaintiff’s disability insurance benefits claim to the Commissioner for further administrative proceedings. Docket Nos. 16 and 17.

On December 15, 2021, Plaintiff moved for attorney’s fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 (d) (“EAJA”). Docket No. 18. Under section 2412(d)(1)(A) of the EAJA, a court shall award to a prevailing party, other than the United States, fees and other expenses incurred by that party in any civil action brought by or against the United States in any court having jurisdiction of that action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust. See 28 U.S.C. § 2412(d)(1)(A). Eligibility for a fee award in any civil action under the EAJA requires: (1) that the claimant be a “prevailing party”; (2) that the Government’s position was not “substantially justified”; (3) that no special circumstances make an award unjust; and (4) that any fee application be submitted to the court within 30 days of final judgment, supported by an itemized statement as required by 28 U.S.C. § 2412(d)(1)(B). See Comm’r I.N.S. v. Jean, 496 U.S. 154, 158 (1990).

Plaintiff sustains that he complied with all the statutory requirements under the EAJA for the award of attorney's fees. Id. The Commissioner informed having no objection to the attorney's fees in the amount of \$2,073.27 requested by Plaintiff pursuant to the EAJA. Docket No. 19.

For the reasons stated above, the Court **GRANTS** Plaintiff's request for attorney's fees against the United States of America in the total amount of **\$2,073.27**.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, this 29<sup>th</sup> day of December 2021.

s/Giselle López-Soler  
GISELLE LÓPEZ-SOLER  
United States Magistrate Judge